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In re Application of GO
U.S. Application No.: 10/030,199
PCT Application No.: PCT/DE98/00694
Int. Filing Date: 10 March 1998
Priority Date Claimed: 19 March 1997
Attorney Docket No.: (none)
For: MOTOR VEHICLE STEERING COLUMN
AND SEAT BELTS WITH A PROTECTION
DEVICE

DECISION

This is in response to applicant's letter filed 10 November 2003, which is being treated as a petition under 37 CFR 1.137(b).

BACKGROUND

On 10 March 1998, applicant filed international application PCT/DE98/00694, which claimed priority of an earlier Germany application filed 19 March 1997. A copy of the international application was communicated to the USPTO from the International Bureau on 24 September 1998. The twenty-month period for paying the basic national fee in the United States expired on 19 November 1998.

On 09 July 1999, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 August 2002, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned as to the United States for failure to pay the requisite basic national fee.

On 26 September 2002, applicant filed a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

On 17 July 2003, this Office mailed a decision dismissing the 26 September 2002 petition.

On 29 August 2003, applicant filed a renewed petition under 37 CFR 1.181.

On 23 September 2003, this Office mailed a decision dismissing the 29 August 2003 petition.

On 10 November 2003, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "I, under oath, declare of having unintentionally delayed the procedure of paying the fee." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form

PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. It is noted that the purported declaration filed 09 July 1999 has missing pages.

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